

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1933 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HASUMATI PARESHKUMAR

C/O PARESHKUMAR NANDANI

Versus

STATE OF GUJARAT

Appearance:

MS SEJAL K MANDAVIA for Petitioner

MR MUKESH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.
Challenge is made by the petitioner in this Special Civil Application to the order of the respondent No.3 dated 23rd March, 1992, annexure 'C'. The petitioner has though made a reference to this order in the memo of the writ petition as well as in the index, but the petitioner has not filed a copy of the said order on the record of this Special Civil Application. However, the counsel for

the petitioner admitted that the order aforesaid has been made under sec.32-A of the Bombay Stamp Act, 1958.

The counsel for the respondents relying on the decision of this Court given in the cognate matters contended that the petitioner has an alternative remedy available against the impugned order under the aforesaid Act, and as such, this writ petition is not maintainable. It has further been contended that the cognate matters have been decided by this Court with the directions to the petitioner to avail the remedy available under the aforesaid Act.

The counsel for the petitioner fairly conceded to avail of the remedy available under the aforesaid Act.

In the result, this Special Civil Application is disposed of in the terms that the petitioner may avail the remedy available under the aforesaid Act against the impugned order within a period of eight weeks from today. It will be open to the petitioner to raise all the contentions available which shall be decided by the authority in accordance with law. If the remedy available is availed of within a period eight weeks, the authority shall not raise any objection with regard to delay. Interim relief granted by this Court on 15th February, 1994, shall continue till the matter is decided by the concerned authority. However, in case the remedy available to the petitioner under the Act is not availed of within a period of eight weeks from today then this Special Civil Application shall stand dismissed, rule shall stand discharged and interim relief granted by this Court shall stand vacated automatically without reference to the Court. The Special Civil Application and rule stands disposed of in the aforesaid terms with no order as to costs.

zgs/-